



**THE ATTORNEY GENERAL
OF TEXAS**

**JIM MATTOX
ATTORNEY GENERAL**

December 6, 1990

Mr. Robert H. Norris
Executive Director
Texas Board of Architectural Examiners
8213 Shoal Creek Blvd., Suite 107
Austin, Texas 78758-7589

LO-90-105

Dear Mr. Norris:

You ask about the construction of section 57.491 of the Education Code, which provides that default on a loan guaranteed by the Texas Guaranteed Student Loan Corporation is grounds for nonrenewal of a professional or occupational license. Section 57.491 provides:

A licensing agency shall not renew the license of a licensee whose name is on the list provided by the corporation under Subsection (c) of this section unless:

(1) the renewal is the first renewal following the agency's receipt of the list including the licensee's name among those in default; or

(2) the licensee presents to the agency a certificate issued by the corporation certifying that:

(A) the licensee has entered a repayment agreement on the defaulted loan; or

(B) the licensee is not in default on a loan guaranteed by the corporation.

Educ. Code § 57.491(e)

You state that the new provision "appears to be in conflict with Articles 249a and 6252-13a, [V.T.C.S.], which require that nonrenewals of licenses be preceded by notice and a hearing."

Section 57.491(i) of the Education Code provides that a licensing agency is to provide an opportunity for a hearing before the agency takes action concerning the nonrenewal of a license for failure to repay a guaranteed student loan. Consequently, the conflict you suggest does not exist. See generally Wolff v. McDonnell, 418 U.S. 539, 557 (1974); In re Ruffalo, 390 U.S. 544 (1968) (due process requirements apply to license revocations). We find no significance in the absence of the word "notice" from section 57.491(i) of the Education Code. We think a notice requirement is implicit in the requirement that a licensing agency "provide an opportunity for a hearing."

Yours very truly,

A handwritten signature in cursive script, appearing to read "Sarah Woelk".

Sarah Woelk, Chief
Letter Opinion Section
Opinion Committee

SW/lcd

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